

Message Text

UNCLASSIFIED POSS DUPE

PAGE 01 CIUDAD 00285 01 OF 02 180228Z

46

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 L-03 H-02 DHA-02 SNM-02

DEAE-00 JUSE-00 NSC-05 /026 W

----- 077907

P 172020Z DEC 75

FM AMCONSUL CIUDAD JUAREZ

TO SECSTATE WASHDC PRIORITY 572

INFO AMEMBASSY MEXICO

UNCLAS SECTION 1 OF 2 CIUDAD JUAREZ 0285

E.O. 11652: N/A

TAGS: CASC

SUBJECT: CASE REVIEW OF AMERICAN PRISONERS IN MEXICO

REF: STATE 281646

THE FOLLOWING RESPONSES TO REFTEL ARE KEYED TO THE
NUMBERED PARAGRAPHS THEREIN:

3. A. THE FEDERAL JUDICIAL POLICE ARE COMPLYING WITH
INSTRUCTIONS OF THE FEDERAL DISTRICT ATTORNEY TO NOTIFY
US PROMPTLY OF THE ARREST OF AMERICAN CITIZENS. HOWEVER,
MEXICAN AUTHORITIES ON THE MUNICIPAL AND STATE LEVEL HAVE
PAID LITTLE HEED TO OUR REQUESTS FOR NOTIFICATION AND
SELDOM NOTIFY US OF ARRESTS.

B. ACCESS IS GRANTED BY THE FEDERAL JUDICIAL POLICE AFTER
THE PRISONERS HAVE BEEN INTERROGATED, USUALLY WITHIN OR
SHORTLY AFTER THE 72- HOUR PERIOD. THE STATE JUDICIAL
POLICE HAVE CONTINUED TO BE UNCOOPERATIVE AND ON ONE
OCCASION IT WAS NECESSARY FOR THE CONSULAR OFFICER TO CITE
THE APPROPRIATE PROVISION OF THE CONSULAR CONVENTION BEFORE
ACCESS WAS GRANTED.

C. ALTHOUGH WE HAVE PROTESTED EVERY INCIDENT OF ALLEGED
MISTREATMENT WHICH HAS BEEN BROUGHT TO OUR ATTENTION, THE
MEXICAN AUTHORITIES HAVE CONSISTENTLY DENIED THESE
ALLEGATIONS. AMERICANS ARRESTED ON NARCOTICS CHARGES
UNCLASSIFIED
UNCLASSIFIED

PAGE 02 CIUDAD 00285 01 OF 02 180228Z

CONTINUE TO ALLEGE THEY WERE BEATEN OR TORTURED IN ATTEMPT
ON PART OF POLICE TO EXTRACT INFORMATION FROM THEM. WE HAVE

RECEIVED NO COMPLAINTS OF MISTREATMENT FROM AMERICAN CITIZENS AFTER THEY HAVE BEEN IMPRISONED.

D. PERSONAL PROPERTY IS USUALLY RETURNED TO THE PRISONER DURING IMPRISONMENT OR UPON HIS RELEASE. HOWEVER, MONEY, PARTICULARLY LARGE SUMS FOUND IN THE POSSESSION OF THOSE ARRESTED ON NARCOTICS CHARGES, IS NOT RETURNED. ACCORDING TO THE FEDERAL DISTRICT ATTORNEY, THE MONEY IS CONSIDERED TO BE EVIDENCE OF THE ATTEMPT TO PURCHASE NARCOTICS AND IS, THEREFORE, SUBJECT TO CONFISCATION UNDER MEXICAN LAW.

E. UPON GAINING ACCESS, THE CONSULAR OFFICER EXPLAINS TO THE PRISONER THE ROLE OF THE CONSULATE GENERAL REGARDING ITS AUTHORITY IN ARREST CASES. WE HAVE EXPERIENCED NO PROBLEMS IN THIS REGARD.

F. ANY MISCONCEPTIONS ON THE PART OF THE PRISONER WHICH COME TO LIGHT DURING THE CONSULAR OFFICER'S INITIAL CONTACT WITH THE PRISONER OR SUBSEQUENTLY ARE CLEARED UP BY THE CONSULAR OFFICER BY EXPLAINING THE LEGAL PROCESSES IN MEXICO.

G. IN A NUMBER OF CASES WHICH HAVE COME TO OUR ATTENTION, EXTORTION HAS BEEN ATTEMPTED AT TIME OF ARREST BY MUNICIPAL AND STATE POLICE, WHO THREATEN DETAINEES WITH LONG PRISON SENTENCES UNLESS THEY OR RELATIVES IN THE U.S. PAY REQUESTED SUM OF MONEY FOR THEIR RELEASE. WE HAVE BEEN ABLE TO THWART SEVERAL OF THESE ATTEMPTS AT EXTORTION BY GOING DIRECTLY TO THE MAYOR OF CIUDAD JUAREZ OR TO THE CHIEF OF POLICE AND REPORTING THE INCIDENTS. THE MAYOR HAS AVOWED AN INTENTION TO PURGE THE MUNICIPAL POLICE FORCE OF CORRUPT OFFICERS AND DID, IN FACT, RECENTLY REMOVE THE CHIEF OF POLICE AND A NUMBER OF LOWER RANKING OFFICERS FROM THE POLICE FORCE. EXTORTION IS PRACTICED IN PRISON AS WELL. PRISONERS HAVE REPORTED THAT THEY HAVE HAD TO PAY FOR THE OPPORTUNITY TO WORK AND FOR GOOD CONDUCT AND WORK TIME CREDIT. THEY MUST PAY FOR BEDS, BLANKETS, MEDICINES AND OTHER NECESSITIES FURNISHED THEM. THE AMOUNT DEPENDS UPON THE INCOME OF THE PRISONER OF WHATEVER THE CONTROLLING
UNCLASSIFIED
UNCLASSIFIED

PAGE 03 CIUDAD 00285 01 OF 02 180228Z

ELEMENTS IN THE PRISON FEEL THEY CAN EXTORT. PRISONERS SOMETIMES EXPRESS THE FEAR THAT INTERCESSION ON THE PART OF THE CONSULATE GENERAL TO PROTEST THESE PRACTICES MAY BRING REPRISALS IN THE FORM OF LOSS OF PRIVILEGES ALREADY PAID FOR.

#H. ALTHOUGH PRISONERS OFTEN COMPLAIN THAT ATTORNEYS' FEES ARE TOO HIGH, WE HAVE NO CASES IN WHICH PRISONERS HAVE CLAIMED EXTORTION ON THE PART OF ATTORNEYS.

I. SOME AMERICAN PRISONERS HAVE ALLEGED THAT THERE IS SUCH DISCRIMINATION. CASES HAVE BEEN CITED IN WHICH MEXICANS WHO HAVE BEEN ARRESTED WITH LARGER AMOUNTS OF MARIJUANA THAN WERE FOUND IN THE POSSESSION OF THE AMERICANS ARRESTED WERE SENTENCED TO SHORTER PRISON TERMS. AN AMERICAN PRISONER HAS FURNISHED US WITH A LIST OF MEXICAN AND AMERICAN PRISONERS WHICH SHOWS THE AMOUNT OF MARIJUANA INVOLVED, THE SENTENCE HANDED DOWN IN EACH CASE AND THE TIME ACTUALLY SERVED IN PRISON, AND WHICH PURPORTS TO SHOW DISCRIMINATION AGAINST THE AMERICANS. WE HAVE NOT YET CONFIRMED THIS WITH OFFICIAL SOURCES.

J. MEDICAL AND DENTAL TREATMENT, ALTHOUGH AVAILABLE TO PRISONERS, IS POOR AND THE COST IS USUALLY BORNE BY THE PRISONER. HE MUST PAY FOR INJECTIONS AND ANY PRESCRIPTION MEDICINE. AT THE MUNICIPAL PENITENTIARY IN CIUDAD JUAREZ, A SICK PRISONER IS OFTEN PLACED IN ISOLATION RATHER THAN IN THE HOSPITAL. RECENTLY, AN AMERICAN PRISONER DIED OF PNEUMONIA IN THE MUNICIPAL PENITENTIARY IN CIUDAD JUAREZ. THE CONSULAR OFFICER NOTED THE POOR PHYSICAL CONDITION OF THE PRISONER AT THE TIME OF ACCESS AND BELIEVES THAT HIS DEATH WAS DUE IN LARGE MEASURE TO NEGLECT ON THE PART OF THE PRISON AUTHORITIES, ALTHOUGH THERE IS NO WAY OF ESTABLISHING THIS.

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 CIUDAD 00285 02 OF 02 181844Z

46

ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 SNM-02 DEAE-00 DHA-02 L-03

H-02 JUSE-00 NSC-05 /026 W

----- 087275

P 172020Z DEC 75

FM AMCONSUL CIUDAD JUAREZ

TO SECSTATE WASHDC PRIORITY 0000

INFO AMEMBASSY MEXICO

UNCLAS SECTION 2 OF 2 CIUDAD JUAREZ 0285

E.O. 11652: N/A

TAGS: CASC

SUBJECT: CASE REVIEW OF AMERICAN PRISONERS IN MEXICO

REF: STATE 281646

K. A CONSULAR OFFICER VISITS THE STATE PENITENTIARY IN CHIHUAHUA CITY (WHICH IS APPROXIMATELY 225 MILES DISTANT FROM CIUDAD JUAREZ) ONCE A MONTH, AND THE MUNICIPAL PENITENTIARY IN CIUDAD JUAREZ (WHERE MOST OF THE PRISONERS ARE CONFINED) ON AN AVERAGE OF THREE TIMES A WEEK. THE CONOFF TALKS WITH THE PRISONERS PERSONALLY AND TAKES UP ANY OF THEIR COMPLAINTS WITH THE PRISON AUTHORITIES. DURING A RECENT VISIT TO THE STATE PENITENTIARY, THE CONOFF WAS ABLE TO CLEAR UP ERRORS IN COMPUTATIONS OF WORK TIME COUNTING TOWARDS SENTENCE AND IN HAVING THE PRISON AUTHORITIES REPORT SUCH COMPUTATIONS OF WORK TIME IMMEDIATELY TO GOBERNACION IN MEXICO CITY IN ORDER TO HASTEN THE RELEASE OF THE PRISONERS CONCERNED.

L. WE HAVE RECEIVED NO COMPLAINTS OF MISTREATMENT OF AMERICAN VISITORS TO THE PRISONERS.

M. TWO CASES OF EXTENDED TRIAL DETENTION WERE BROUGHT TO THE ATTENTION OF THE EMBASSY, MEXICO.

N. FIANZAS HAVE NOT BEEN GRANTED TO AMERICAN CITIZENS IN UNCLASSIFIED

UNCLASSIFIED

PAGE 02 CIUDAD 00285 02 OF 02 181844Z

DRUG-RELATED CASES. HOWEVER, THEY HAVE BEEN GRANTED IN OTHER CASES WHEN THE PRISONERS HAVE BEEN ELIGIBLE FOR RELEASE ON FIANZA.

O. IN VIEW OF THE CROWDED CONDITIONS IN THE MUNICIPAL PENITENTIARY, CIUDAD JUAREZ, THERE ARE VERY FEW JOBS AVAILABLE TO AMERICAN PRISONERS. THOSE WHO GET JOBS USUALLY PAY FOR THE OPPORTUNITY TO WORK. THOSE WHO ARE UNABLE TO GET JOBS OR DO NOT WISH TO WORK HAVE BEEN GETTING CREDIT FOR COMMISSIONED WORK AND GOOD CONDUCT BY PAYING THE DEMANDED PRICE AT THE TIME THEY ARE ELIGIBLE FOR RELEASE.

P. APPEALS AGAINST THE "AUTO FORMAL PRISION" HAVE BEEN GRANTED IN A NUMBER OF CASES, BASED ON INSUFFICIENT EVIDENCE. HOWEVER, OUR EXPERIENCE IS THAT IN DRUG-RELATED CASES APPEALS ARE GENERALLY DENIED AFTER SENTENCE HAS BEEN PASSED.

4. A. FEDERAL DISTRICT ATTORNEY'S OFFICE, CIUDAD JUAREZ, HAS BEEN COMPLYING WITH ATTORNEY GENERAL'S INSTRUCTIONS TO NOTIFY CONSULATE GENERAL OF ARRESTS OF AMERICAN PRISONERS.

B. WE HAVE HAD NO PROBLEMS IN DEALING DIRECTLY WITH THE PRISONERS OR WITH THEIR RELATIVES. THIS MAY BE EXPLAINED IN

PART BY OUR PROXIMITY TO THE UNITED STATES. RELATIVES ARE CLOSE ENOUGH TO TELEPHONE OR VISIT PRISONERS AND TO HANDLE CERTAIN PROBLEMS BETWEEN THEMSELVES WITHOUT ASKING FOR CONSULAR ASSISTANCE.

C. IF PRISONER UNWILLING TO BE SEEN BY CONSULAR OFFICER, HIS WELLBEING CAN USUALLY BE VERIFIED BY TALKING WITH FELLOW AMERICAN PRISONERS, SINCE PRISONERS WELL ACQUAINTED WITH EACH OTHER.

D. IN VIEW OF THE CONTINUING AND GROWING DEMAND TO MONITOR PROTECTION AND WELFARE OF AMERICAN CITIZEN PRISONERS, WE FEEL THAT OUR SPECIAL CONSULAR SERVICES SECTION, WHICH CONSIST OF ONE AMERICAN AND ONE LOCAL EMPLOYEE, IS INADEQUATE. WE NEED ONE AMERICAN OFFICER TO GIVE FULL TIME ATTENTION TO THE PRISON PROBLEM, AND OTHER AMERICAN OFFICER TO HANDLE THE OTHER DAILY DEMANDS OF SPECIAL CONSULAR SERVICES, SUCH AS UNCLASSIFIED

UNCLASSIFIED

PAGE 03 CIUDAD 00285 02 OF 02 181844Z

ROUTINE CORRESPONDENCE, DEATHS AND ESTATES, NOTARIALS, SOCIAL SECURITY AND VETERANS AFFAIRS, TRADE COMPLAINTS, AUTOMOBILE ACCIDENTS, ETC.

5. WE SHOULD NOT ONLY ATTEMPT TO ELEVATE PRIORITY OF PRISONER ISSUE IN ORDER TO OBTAIN MORE HUMANE TREATMENT FOR AMERICANS, BUT STRIVE FOR WHATEVER IMPROVEMENTS MAY BE OBTAINED THROUGH DAILY CONTACTS WITH MEXICAN OFFICIALS, EVEN THOUGH THESE ACTIONS MAY NOT BRING ABOUT AN IMMEDIATE AMELIORATION OF THE PROBLEM. WE MUST CONTINUE TO IMPRESS UPON THE MEXICAN AUTHORITIES THAT WE ARE CONCERNED WITH THE WELFARE OF AMERICAN CITIZENS, REGARDLESS OF THE POSSIBILITY OF A BACKLASH OR LACK OF COOPERATION ON THEIR PART.

DURING MY TOUR OF DUTY IN SCS, CONSIDERABLE CORRESPONDENCE FROM RELATIVES AND FRIENDS OF AMERICANS ARRESTED IN FOREIGN COUNTRIES CAME TO MY ATTENTION EXPRESSING CONCERN OVER OUR DIFFIDENCE TO ASSERT OURSELVES ON BEHALF OF THESE AMERICANS. SOME EXPRESSED THE VIEW THAT PERHAPS THIS LACK OF SELF-ASSERTION IS OF A PIECE WITH WHAT IS HAPPENING, PSYCHOLOGICALLY SPEAKING, IN THE UNITED STATES ITSELF.

6. THERE HAS BEEN NO PRESS COVERAGE OF THE PRISONER ISSUE IN THIS CONSULAR DISTRICT. HOWEVER, THE PRESS ACROSS THE BORDER IN EL PASO, TEXAS HAS CARRIED MOST OF THE ARTICLES WHICH HAVE APPEARED IN OTHER NEWSPAPERS IN THE U.S. REFERRED TO IN PARA. 6 OF REFTEL. IT HAS NOT RESULTED THUS FAR IN ANY PERCEPTIBLE CHANGE OF ATTITUDE ON PART OF LOCAL MEXICAN OFFICIALS HERE IN OUR DEALINGS WITH THEM. AS THE DEPARTMENT AND THE EMBASSY ARE AWARE, MEXICAN CONSULS

IN THE U.S. MAKE STRONG REPRESENTATIONS WHEN THEIR
NATIONALS ALLEGE ABUSE AT THE HANDS OF AMERICAN AUTHORITIES.
WE SEE NO REASON WHY A FIRM AND FORTHRIGHT POSITION SHOULD
NOT BE TAKEN BY USG IN ATTEMPTING TO CORRECT ABUSES AGAINST
AMERICAN CITIZENS ARRESTED IN MEXICO.
SHAPIRO

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 17 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975CIUDAD00285
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750440-0631
From: CIUDAD JUAREZ
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751233/aaaabcmg.tel
Line Count: 283
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCSE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 STATE 281646
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 01 DEC 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 DEC 2003 by ThomasVJ>; APPROVED <12 JAN 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CASE REVIEW OF AMERICAN PRISONERS IN MEXICO
TAGS: CASC, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006